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SUBJECT: MOLDOVA'S INFORMATION ON CHILD LABOR AND
FORCED LABOR FOR DOL CONGRESSIONAL REPORTING
REQUIREMENTS

REF: 09 STATE 131995

¶1. In order to obtain information for this cable, Econoff contacted the International Labor Organization Office -International Program on the Elimination of Child Labor (ILO-IPEC) in Moldova, the Ministry of Labor, Social Protection and Family, the Ministry of Internal Affairs, the General Prosecutor's Office (GPO), the National Statistics Bureau (NSB) and members of the National Steering Committee for ILO-IPEC. All agencies and organizations were very helpful in compiling this report for Tasking 1 (1/TVPRA) on the use of force labor and/or exploitive child labor in the production of goods and for Tasking 2 (2/TDA) on additional information on exploitive child labor for countries eligible for trade benefits under the Generalized System of Preferences and other trade programs. Specific answers to the questions in reftel begin here.

TASKING 1/TVPRA

¶2. There is very little evidence of forced labor or exploitative child labor in the production of goods in Moldova for export or domestic consumption. Cases of children doing agricultural labor for their parents on bona fide family farms do exist in Moldova, a practice that is very common throughout the country. However, this practice cannot be applied to any specific goods. Moldova's efforts at eliminating child work in agriculture were appraised as successful at the ILO's Eighth European Regional Meeting in Lisbon in February 2009.
http://www.ilo.org/public/english/region/europ/ge neva/download/events/lisbon2009/dgreport2_ru.pdf
(Russian version)

¶3. Moldova was severely affected by the global financial crisis and experienced a drop of nine percent in GDP in 2009. According to the recent UNDP study "Impact of the Global Financial Crisis on the Local Communities in Moldova," some parents stated that they would have to ask their children to work in order to sustain family income.
http://www.undp.md/presscentre/2009/ILDP_Report_Crisis/Report_impact_financial_crisis_eng.pdf

TASKING 2/TDA

2A) PREVALENCE AND SECTORIAL DISTRIBUTION OF EXPLOITIVE CHILD LABOR

¶4. In 2009, some children were involved in trafficking, prostitution, and begging whereby a child is usually together with the mother begging on streets in Moldova.

¶5. The Government of Moldova (GOM) is willing to provide its data on exploitive child labor to the DOL for further analysis. Moldova has a Labor Inspection Office (LIO) in the Ministry of Labor, Social Protection and Family, which is responsible for investigating all cases of possible labor violations, including those related to child labor. The GOM collects and publishes some data on exploitive child labor. However, the data stems from various sources and is not easily compiled into comprehensive reports.

¶6. Beginning in May 2010, the GOM expects to have better statistics on child labor as the result of a new National Child Labor Study (NCLS) which it began in July 2009 and will complete in May 2010. The NSB is conducting the NCLS in partnership with ILO-IPEC. ILO-IPEC statisticians visited Moldova in April and July 2009 to provide technical assistance to the NSB in developing the research methodology for the NCLS as a separate module of a broader Labor Force Survey of 12,500 households.

2B) LAWS AND REGULATIONS

¶7. In January 2009, a new provision of the Law on Labor Force Migration came into force, which is designed to ensure better protection and care of children left behind by migrant parents working and living abroad. The new provision requires parents to legally designate a caretaker for children left behind in Moldova.

¶8. In January 2009, a Law on Occupational Safety and Health came into force, Article 22, which includes child laborers in the category of vulnerable groups that should be protected against specific risks at workplaces.

¶9. In February 2009, a parliamentary decision on the adoption of the Strategy on the National Referral System for Protection and Assistance of Victims and Potential Victims of Trafficking (NRS) and its Action Plan for 2009-2011 entered into force. The NRS is a collaborative framework including institutions responsible for combating trafficking in human beings based on common organizational standards designed locally in harmony with international standards. The NRS was integrated into the GOMQs National Development Plan for the period of 2008 to 2011, which is the major guiding policy for the GOM.

¶10. On May 31, 2009, a new version of the Code on Contraventions came into force, which replaced the previous Soviet version in effect since 1985. Articles 55 and 58 of the new Code stipulate fines for the violation of labor rights, including provisions for violations of the rights of minors. Article 63 in the code stipulates a fine for parents or legal guardians who violate children's rights to care and education and/or whose children enter vagrancy, begging, and illicit activities.
<http://lex.justice.md/index.php?action=view&view=d>

¶11. In July 2009, the Collective Convention in the Construction Sector for 2009-2013 came into force with provisions against the worst forms of child labor.

¶12. The GOM is currently working on a draft law to amend Article 46 of the Labor Code, which stipulates that the minimum age for employment in Moldova is 16. As an exception, a 15 year old child can sign a work contract if his/her health will not be endangered and if the work will not interfere with the child's growth, instruction, education and professional development. The child must have written consent from a parent or legal guardian. The new amendment to Article 46 will exclude this existing exception. As a result of the adoption of the new amendment, the minimum employment age in Moldova will be 16 for all children.

2C) INSTITUTIONS AND MECHANISMS FOR ENFORCEMENT -
HAZARDOUS CHILD LABOR AND FORCED CHILD LABOR

¶13. Moldova has a Labor Inspection Office (LIO) responsible for investigating all cases of possible labor violations, including those related to child labor. The new GOM, which took office September 25, 2009, consolidated all offices overseeing child labor violations in an effort to streamline enforcement. Labor issues which had been previously split between the Ministry of Labor, Social Protection and Family and the Ministry of Economy were consolidated into the Ministry of Labor, Social Protection and Family.

¶14. In 2007, a Child Labor Unit (CLU) was set up within the LIO. The CLU includes two persons who act as a secretariat for the National Steering

Committee on the Elimination of Child Labor which was established in 2004. The secretariat is responsible for developing, implementing and monitoring the national effort to eradicate child labor in Moldova.

¶15. The Ministry of Internal Affairs (MIA) has dedicated offices for overseeing children's issues with responsibility for dealing with children's rights, life and health protection, and combating hazardous and forced child labor.

¶16. In November 2009, the second Memorandum of Understanding between ILO-IPEC and GOM came into force. The memorandum will be effective for five years. In addition to ILO-IPEC, there are several NGOs in Moldova dealing with child labor issues including the National Center for Child Abuse Prevention (NCCAP), the Center for Prevention of Trafficking in Women and La Strada. There is also a parliamentary ombudsman for children's rights. <http://www.crin.org/organisations/vieworg.asp?id=4595>.

¶17. The National Steering Committee for ILO-IPEC was set up in 2004 based on the first Memorandum of Understanding between ILO-IPEC and the GOM. The Committee held 14 meetings over the period 2006Q2009.

¶18. Multidisciplinary teams (MDTs), created under the ILO-IPEC Project in 2005, are currently functional in five target areas on a pilot basis. Within the local Child Labor Monitoring System

(CLMS), the MDTs organized and documented 176 half-day operational meetings and 27 local meetings with peer educators groups and members of five municipal and districts anti-trafficking committees in 2009. The meetings contributed to the referral of 877 cases. These cases consisted of 102 victims of worst forms of child labor, six victims of child trafficking and 769 children at risk. Attorneys from the GPO also participated in MDTs meetings, where cases and causes of child abuses were examined, including child labor issues.

¶19. A Permanent Tripartite Council on Child Labor within the National Commission for Consultations and Collective Bargaining was formed in February 2009. The Council includes six members, representing the GOM, workers and employers' organizations.

¶20. A group of national experts on child labor was approved by the GOM in May 2009. The experts expressed their commitment to continue their successful work towards a Moldova free of worst forms of child labor by 2016.

¶21. The project "Development, Awareness Raising and Support for the Implementation of the Global Action Plan on the Elimination of the Worst Forms of Child Labor by 2016" (GAP Project), funded by the USDOL, began in April 2008 and will end in September 2010. The GAP Project aims to set time-bound targets for the elimination of the worst forms of child labor in Moldova through the formulation of a comprehensive National Action Plan (NAP) to eliminate child labor in Moldova. The timeframe for the NAP will be determined during the formulation process. The NAP will define specific, measurable, achievable, relevant and time-bound indicators and means of verification for the elimination of child labor.

¶22. The Ministry of Labor, Social Protection and Family is the key agency in terms of collecting relevant information from other agencies and NGOs. The NSB is currently in the process of collecting information under the National Child Labor Study. Following completion of the study in 2010, ILO and NGOs expect the mechanism for exchanging information on child labor to be improved in

Moldova.

¶23. In addition to contacting the police, LIO, and NCCP, there are three major hotlines for reporting labor violations, including child labor issues. They are the LIO hotline, the Day Care Center for Children 'AMICUL' hotline funded by NCCAP, and the La Strada hotline. The LIO hotline gets an average of 20 calls per day on various labor related issues, roughly 5,000 per year. In 2009, only two cases of child labor were referred to the LIO hotline. In one case, children were working at a bakery during the night and, in the second, children were involved in field work during school hours. In 2009, the Consultative Telephone Line for the Referral of Potential Cases of Child Neglect and Abuse, operated by the staff of AMICUL, registered 254 calls, including 27 cases of child trafficking, 66 cases of hazardous child labor work and 155 cases of physical, emotional and sexual abuse and neglect. The La Strada hotline received 341 calls for the period January 1-August 31, 2009. <http://lastrada.md/date/statistica/> In August 2009, a new hotline called 'ChildQs Telephone' was introduced by an initiative of the childrenQs rights ombudswoman, Tamara Plamadeala, supported

by the OSCE Mission to Moldova.

¶24. The exact amount of state funding provided to the agencies combating child labor is not available. However, in the current economic crisis funding is limited.

¶25. Elements of the IPEC model interventions against worst forms of child labor were replicated in the VET Project implemented by Hifab International from January 2006 to December 2009 with a budget of EURO 1.5 million (USD 2.216 million) and the UNDP project "Better Opportunities for Women and Youth" from October 2004 to March 2009 with a budget of USD 3.5 million.

¶26. The MIA reported 6,572 inspections of different localities frequented by youth including recreation areas, internet cafes and gambling machines. In most cases, the MIA inspections were carried out together with representatives of other institutions responsible for children's rights, including LIO staff and local government representatives.

¶27. The LIO has 96 employees, 15 of whom work in the main office and 81 officers posted in ten offices throughout the country. LIO employees investigate all types of labor violations, including those related to child labor. LIO notes in its 2009 report, that a total of 7,073 inspections occurred and 68,727 violations were noted, including 38,071 in labor protection issues. The inspections were carried out in different sectors, including those where children worked. As a result of LIO inspections, 30 companies were found to be employing 102 persons under the age of 18. Over one third of the minors, 40, worked in agriculture, 35 minors worked in the textile industry, 19 minors worked as supporting labor, five minors were barmen and cooks, and three minors worked in construction.

¶28. In 2009, LIO identified cases of violations of the rules regarding employees younger than 18 years of age. LIO reported on eight economic entities where 10 persons under 18 years of age did not have all the necessary documents for their employment. Other cases included a range of violations, including the transportation and sale of alcohol and tobacco items, working under dangerous conditions, not having the required medical examinations prior to employment, working fulltime, not receiving annual leave, or being denied the compensation provided by law. The ILO inspectors initiated reviews which resulted in

administrative sanctions against the companies and orders to eliminate all violations including the removal of children under age 18 from dangerous work conditions and night shifts.

¶29. According to ILO-IPEC data, in the period from February 2008 to June 2009, 877 cases of violations of children's rights were registered, including 102 cases of worst forms of child labor, six cases of child trafficking and 769 cases of children at risk. The data showed that 92 children were withdrawn from situations of worst forms of child labor (hazardous child labor in agriculture, street work and trafficking) and 486 children were prevented from entering into worst forms of child labor by means of educational services and other non-educational services. In addition, 12 children were removed from worst forms of child labor and 283 children were

prevented from entering worst forms of child labor by non-educational services, e.g. job counseling sessions.

130. In 2009, the MIA made 4,907 findings of administrative violations of Article 63 of the Contravention Code, which refers to parental negligence. The MIA inspectors recorded four findings of administrative violations of Article 58 of the Contravention Code, which refers to the prohibition of work in conditions dangerous to the health of minors. One case was registered in Chisinau, the capital city, and three cases in the southern part of Moldova, in the Ceadir-Lunga district. Two cases of forced child labor were opened. One case was of forced child labor in agriculture, involving three minors and a second case of begging. The second case was remitted to courts for further examination. One case in agriculture was closed by amicable agreement. The activities of authorities in enforcing laws to combat exploitive child labor reflect a commitment by the GOM to eliminate child labor.

131. In 2007, the LIO, with the support of ILO-IPEC, developed a country-specific Training Curriculum for Labor Inspectors on combating child labor. This curriculum is used to train labor inspectors from the LIO regional offices. Three Moldovan universities mainstream child labor issues into the curricula of their psychology and social work departments. In June 2009, the National Confederation of Trade Unions in Moldova organized a one-day roundtable on the "Social Responsibility of Trade Unions and Elimination of Worst Forms of Child Labor" to stimulate debate on the issue and implementation of codes of conduct against child labor. The roundtable participants were from employers' organizations, public institutions, NGOs and ILO. The event was well covered by media.

132. In June 2009, a half-day workshop to present employers' experience in combating the worst forms of child labor in agriculture was organized by the National Federation of Employers in Agriculture and Food Industry. The federation, employers' organizations, public institutions and ILO discussed the findings of the monitoring report on the implementation of the code of conduct for employers against worst forms of child labor in agriculture. The event, including interviews with international and local ILO staff, was well covered by media.

133. The International Organization for Migration supported ILO-IPEC partners in training 11 of 17 MDTs on ways to tackle cases of child abuse and worst forms of child labor.

134. Under the ILO-IPEC Action Program for "Mainstreaming, Capacity Building and Resources Mobilization for Upscaling the Child Labor Monitoring System (CLMS) and Youth Employment Models in Moldova," a total of 99 representatives

from relevant public institutions and NGOs from five IPEC areas benefited from capacity building activities between February 2008 and June 2009. These activities were aimed at increasing outreach in five areas, scaling up the CLMS and youth employment models in all areas of Moldova and establishing strategic priorities for sustainable prevention and combating of child labor beyond the timeframe of the IPEC Action Plan in Moldova.

135. In 2005, the Child Labor Monitoring Guide was

developed and published as part of the IPEC program implemented by the NCCAP. The Guide was used for the training of multidisciplinary professionals, involved in child labor monitoring, and social workers from all areas of Moldova. Improving the CLMS has been declared a priority by the NSC for ILO-IPEC.

2D) INSTITUTIONAL MECHANISMS FOR EFFECTIVE ENFORCEMENT – CHILD TRAFFICKING, COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

- ¶36. The Center for Combating Trafficking in Persons is responsible for the enforcement of laws prohibiting trafficking including child trafficking. The Center for Assistance to Victims and Potential Victims of Trafficking in Human Beings was set up by a GOM decision in July 2008. In April 2008, the GOM appointed members to the National Committee on Prevention and Combating of Trafficking in Human Beings, approved the regulations for its functioning and approved the Action Plan for Prevention and Combating of Trafficking in Human Beings for 2008-2009.
- ¶37. The trafficking of children for the purpose of commercial sexual exploitation and begging remained a serious problem in 2009. According to MIA data, 21 cases of trafficking of minors were opened during the year, including 14 cases of trafficking for sexual exploitation, three cases for labor exploitation, one for sale of a child and one for begging purposes. All 21 cases were forwarded to the courts for prosecution. The Ministry of Justice reported that five persons were sentenced to imprisonment for child trafficking during the year.
- ¶38. In 2009, there were reports of cases of child prostitution in Moldova. Commercial sex with minors is punished as statutory rape. The minimum age for consensual sex is sixteen. The law prohibits production, distribution, broadcasting, import, export, sale, exchange, use or possession of child pornography and violators face one to three years of imprisonment. According to MIA data, police recorded four cases of pimping with minors in 2009. All the cases were forwarded for prosecution.
- ¶39. The estimates of working-age Moldovans living and working abroad ranges from 500,000 to 1,000,000. As a result of this phenomenon, tens of thousands of children lived in households where one or both parents had left the country in search of work. Such children often live in poverty and are particularly vulnerable to trafficking, labor and sexual exploitation.
- ¶40. Moldova did not experience armed conflict over the reporting period. The last armed conflict in Moldova occurred in 1992.

2E) GOVERNMENT POLICIES ON CHILD LABOR

- ¶41. In February 2009, Parliament approved the National Youth Strategy and Action Plan for 2009-2013, which took effect in April 2009. In December 2008, Parliament adopted the Strategy on the Referral System for Protection and Assistance of Victims and Potential Victims of Trafficking 2009-2011 which has been in effect since February 2009. In December 2008, the GOM approved the National Plan on the Creation of an Integrated

Social Services System 2008-2012, which provides for diversification of social services for victims of trafficking, violence and worst forms of child

labor, and mapping the cost of the interventions piloted by NGOs and state institutions and their countrywide strengthening by the GOM. In December 2008, the GOM approved the National Action Plan for Preventing and Combating Violence against Children for 2009-2011. In December 2008, members of the Global Compact Network in Moldova signed the Code of Conduct for Elimination of the Worst Forms in Child. The National Action Plan for Preventing and Combating Trafficking in Human Beings for 2008-2009 was approved by the GOM in March 2008. The National Strategy on Reform of the Child Care Residential System for 2007-2012 was approved by the GOM in July 2007.

2F) SOCIAL PROGRAMS TO ELIMINATE OR PREVENT CHILD LABOR

142. One of the main tasks of the Ministry for Labor, Social Protection and Family is to consolidate the GOM's child labor programs under one umbrella and develop and implement policies on social insurance, social assistance, protection of the rights of children and family, gender equality, prevention of domestic violence and social protection of victims. The Ministry created district-level directorates in 2008 to better meet these responsibilities. Important measures aimed at the prevention and elimination of child labor was undertaken within the Action Plan "Replication to National Scale of ILO-IPEC Models to Monitor the Child Labour (SMMC) and Youth Employment through Capacity Building, Integration of Models in the Relevant Programs and Mobilization of Resources," implemented by the NCCAP in cooperation with ILO-IPEC. For the period February 2008 to June 2009, children and youth benefited from the following activities and services offered by NCCAP: 276 children received individual tutoring in subjects studied in school and worked on developing work skills and 152 children benefited from referrals to the educational system to support schooling and prevent school drop-outs. The individual necessities of every child, including school supplies, textbooks, clothes, footwear, were provided by multidisciplinary teams. 300 children benefited from sessions of interactive activities in support groups that facilitated their social reintegration. 449 youth benefited from individual education and job counselling support. Later, 154 of them benefited from vocational training provided by the National Employment Agency.

143. According to Ministry of Labor, Social Protection and Family data, as of August 2009, 877 minors directly benefited from NCCAP and IPC programs, including 563 prevented from engaging in hazardous work in agriculture, 204 prevented from engaging in hazardous work and illegal street activities and 110 prevented from engaging in trafficking. Further, 3044 children, teachers and parents in five territories participated in informative meetings on the consequences of child labor exploitation.

144. In June 2009, a one-week workshop for a Children's Working Group (CWG) for the monitoring of the Children's Rights Convention in Moldova, was organized by the Children's Rights Information Center in Chisinau to facilitate the sharing of children's observations on child labor exploitation. The CWG for the monitoring of the Children's Rights Convention was created in 2008. The CWG prepared the Children's Report "Life through Children's Eyes" presented last year to

the UN Committee on the Rights of the Child.
<http://www.childrights.md/ro/index.shtml>

¶45. In July 2007, the GOM, National Confederation of Employers, Trade Unions Confederation and Free Trade Union Confederation "Solidaritate" signed the Collective Convention "On the Elimination of the Worst Forms of Child Labour." The Convention provides a range of actions aimed at progressively improving the situation in the child labor domain and ultimately eliminating the worst forms of child labor.

2G) CONTINUAL PROGRESS

¶46. The GOM works in partnership with international organizations and NGOs in order to increase the awareness of child labor issues and to support low-income families in Moldova. The GOM engages in social dialog with employers' organizations and tries to develop new approaches to prevent and eliminate exploitive child labor in Moldova. There is currently ongoing debate on the inclusion of a new provision for nominations of the best company of the year in Moldova. The new provision would require that the best company be certified free of child labor.

¶47. The GOM continued to take positive legislative and regulatory steps in 2009 to address problems in combating exploitive child labor. However, the lack of government funding, poverty, the customary employment of children, especially during the harvest, cultural norms which regard child labor as a normal part of growing up, lack of accurate data and administrative incapacity often make implementation of existing laws and regulations difficult.

CHAUDHRY